AO 440 (Rev. 06/12) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the

Eastern District of New York

David Bengoa and Jose Colula, on behalf of themselves and others similarly situated

Plaintiff(s)

v.

M&F Restaurant Corporation d/b/a Spolini's Italian Restaurant, and Sergio Lazzinaro

Defendant(s)

Civil Action No. 13-cv-788 (FB)(JMA)

SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)* M&F Restaurant Corporation d/b/a Spolini's Italian Restaurant
116-25 Metropolitan Avenue
Kew Gardens, New York 11418

Sergio Lazzinaro
116-25 Metropolitan Avenue
Kew Gardens, New York 11418

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are: Cilenti & Cooper, PLLC
708 Third Avenue - 6th Floor
New York, New York 10017

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

Douglas C. Palmer
CLERK OF COURT

Date: 2/13/2013

s/ Kimberly Davis
Signature of Clerk or Deputy Clerk

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK